

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF MARCH 12, 2008
9:30 a.m.

Members Present: Joe Brown, Chairman; Joan McIntyre, Vice-Chair; Audrey Wolfe, Secretary; Kai Hagen, Commissioner Liaison; Catherine Forrence, and Robert White.

Mr. Crum Absent

Staff Present: Gary Hessong, Director, DPDR; Mark Depo, Director, Development Review Planning; Eric Soter, Director Planning & Zoning; Michael Wilkins, Planner; Stephen O'Philips, Principal Planner; Nikki Martin, Planner; Kristina Reichenbach, Planner; Tolson DeSa, Planner; Tim Goodfellow, Planner; Shawna Lemonds, Planner; Michael Chomel, Senior Assistant County Attorney; Kathy Mitchell, Assistant County Attorney; and Lori Barlet-Chapman, Legal Associate.

1. MINUTES:

Ms. Wolfe and Ms. Forrence made corrections to the minutes from the December 19, 2007 FcPc meeting. Mr. White made a motion to approve the minutes as amended. 2nd McIntyre.

Yea 6 Nay 0 (Crum Absent)

2. PLANNING COMMISSION COMMENTS:

Mr. White noted for the record that a letter was received from Mr. John Austin and that it has been forwarded to Staff. Mr. Brown stated for the record that he and County Staff met with some representatives from Costco in regard to their upcoming project.

3. AGENCY COMMENTS/AGENDA BRIEFING:

Mr. Depo stated the applicant for Northern Maryland Self-Storage has withdrawn their application and therefore this item will be taken off today's agenda. Mr. Soter spoke of upcoming agendas and FcPc Meetings and also introduced a new County employee, Ms. Susan Collins who is the recording secretary for Planning and Zoning.

4. COMBINED PRELIMINARY / FINAL PLATS

- A. Fox Ridge Estates - Requesting approval of five (5) new lots and a remainder in a major subdivision, and a modification per Section 1-16-219 (C)(2). Located on the North side of Liberty Road (Route 26) Zoned: Agricultural and

Residential, Walkersville Planning Region. Tax Map 51/ Parcel 103. File: S753; Hansen 7394, (Nikki Martin)

Mr. Brown recused himself.

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based upon the discussions in this report, and the conditions listed below, Staff finds that the application meets or will meet all applicable APFO, and FRO requirements once all Staff and agency comments and conditions are complied with.

However, based upon the discussions in this report, Staff cannot find that the site entrance has safe sight distance, or that the panhandles meet the excellence of design criteria. Staff also notes that the SHA has not approved this application and the entrance proposed to serve the site is in a location that is contrary to the location discussed in the 1998 SHA letter.

In addition, Staff cannot find that this application meets all applicable Zoning requirements. This property falls within the Linganore Watershed Protection Area. Per section 1-19-333 of the Zoning Ordinance, all applications for subdivision within the watershed are required to show a water body buffer. The buffer is derived by calculating the gradient of the slope within a 175-foot cross-section on both sides of the water body, drawn perpendicular to the direction of the water body flow. Cross sectional measurements shall be taken every 50 feet along the banks of the water body. Staff notes that since there is a stream located on the property, a setback of up to 175 feet from the stream may be required. Staff sent comments regarding this matter to the Applicant on November 11, 2007, and at this time the plan has not been resubmitted addressing this matter. It is possible that the lot design may change based upon the location of these setbacks.

Staff notes that the Applicant had three months to resubmit the plan and address the concerns listed in this staff report. Had the Applicant addressed Staff's concerns during this three-month period, Staff may have recommended conditional approval of the plan. Despite the Applicant providing Staff with only one review of the plan, the Applicant has requested that this project come before the FcPc.

Recommendation:

Due to the issues discussed in this report, Staff recommends denial of this subdivision.

Applicant Presentation:

Mr. Rand Weinberg, Esquire, representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Motion: Ms. Forrence made a motion for denial. 2nd Mr. Hagen.

Yea 2 Nay 3 (Wolfe, McIntyre, & White Opposed) (Brown Recused) (Crum Absent)

Motion Fails

Decision: Mr. White moved for up to a ninety- (90) day continuance. 2nd Ms. Wolfe.

Yea 4 Nay 1 (Forrence Opposed) (Brown Recused) (Crum Absent)

5. COMBINED PRELIMINARY/FINAL PLATS

A. Woodridge IV, Lake Linganore PUD– Preliminary and Site Plan approval for 84 single-family lots on 44.40 acres. Located north of the current terminus of Woodridge Road, in the southeast portion of the Woodridge/Westridge section of the Lake Linganore PUD. Zoned: Planned Unit Development (PUD), New Market Planning Region. Tax Map 68/ p/o Parcel 36. File #S-829K; Hansen # 7120 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with or mitigated. Staff has no objection to conditional approval of the combined Preliminary Plan and Site Plan application subject to the conditions below.

Recommendation:

Should the FcPc approve the combined Preliminary Plan and Site Plan

application (S-829K, AP7120) for the proposed 84-lot subdivision, the motion for approval should include:

- Preliminary Plan approval for a period of five (5) years from the date of FcPc approval.
- Site Plan approval for a period of two (2) years from the date of FcPc approval.

Staff recommends that the following items be added as conditions to the approval:

1. Applicant shall continue to address all agency comments through the completion of this project.
2. The Applicant must acquire preliminary forest plan approval prior to Preliminary Plan approval. Final forest plan approval and easement recordation must occur prior to lot recordation.
3. Lots 10-14 and Lots 83 and 84 shall be removed from this Preliminary/Site Plan application.
4. The Applicant shall make the following changes to the proposed road network;
 - a. Woodridge Road shall terminate at the intersection of Burger Way and Lots 52 and 53 be removed or relocated, or provide a more permanent turn-around at the location currently proposed (at the FcPc's discretion).
 - b. The road section for the private alley (Taft Terrace) shall be redesigned to address DPDR- Engineering comments and concerns. (*This condition is not required if the FcPc accepts condition # 3*).
 - c. Cardozo Street shall terminate at the intersection of Burger Way and Lots 73 and 74 be removed or relocated, or provide a more permanent turn-around at the location currently proposed (at the FcPc's discretion).
 - d. A permanent cul-de-sac shall be built at the terminus of Woodland Road and the issue of land locking existing lots of record be addressed to Staff's satisfaction in accordance with County Code.
5. Note 23 shall be amended to clearly include front, side and rear facades and that the Applicant define the architectural treatments that will be utilized in order to provide visual interest and prevent unarticulated blank walls. The Applicant shall provide upgraded architectural features (i.e. four sided window and door treatments, architectural grade shingle, 50% of units provide masonry facades, bay windows on end units, additional windows on end units, four sided architecture/materials) for the entire development, to be approved by Staff. Special attention should be given to higher visible lots. Also, no two like elevations shall be adjacent to or across the street from one another.
6. The Applicant shall address agency comments regarding the watershed protection buffer in order to verify that the buffer shown on the plan meets the requirements of 1-19-327(A).

The FcPc must also consider the following modification requests;

1. A modification to reduce the front yard setback from 25-feet to 20-feet for lots 10-14.

Staff Recommendation: Staff recommends denial of this modification request.

2. A modification to increase the building height from the standard 30-feet or three (3) stories to 37-feet for units with basement garages.

Staff Recommendation: Staff recommends that the Applicant demonstrate to Staff's satisfaction that the additional building heights will not have an adverse visual affect on the surrounding lots.

3. A modification to allow two (2) panhandle lots (lots 83 and 84) in a major subdivision.

Staff Recommendation: Staff recommends denial of this modification request.

Should the FcPc approve any of the requested modifications, Staff recommends the following condition be added to the approval;

The Applicant shall provide upgraded architectural features (i.e. four sided window and door treatments, architectural grade shingle, 50% of units provide masonry facades, bay windows on end units, additional windows on end units, four sided architecture/materials) for the entire development, to be approved by Staff. Special attention should be given to higher visible lots. Also, no two like elevations shall be adjacent to or across the street from one another.

Applicant Presentation:

Ms. Krista McGowan, Esquire, representing the applicant, presented the proposal. Mr. Jim DiMiglio spoke on the upgraded architectural features. Mr. Chris Smariga spoke of the layout of the site. Ms. Kathy Mitchell spoke of the pending DRRA as it relates to this applicant.

Public Comment:

Mr. Les Huts a resident of Ridge Road spoke of the roads and traffic for this project.

Rebuttal:

Ms. McGowan and Mr. DiMiglio spoke of Staff's conditions and commented on them.

Decision: Mr. White made a motion for up to a sixty- (60) day continuance. 2nd by Ms. McIntyre

**Yea 5 Nay 1 (Forrence Opposed) (Crum
Absent)**

B. Westview South, B. F. Saul Company, Lots 102 - 107 – Continued from February 2008 Meeting. Requesting approval for 114-room Hotel, two 6,500 square feet restaurants, 60,000 square feet office, and 14,600 square feet retail on 9.8 acres. Requesting a height modification of 65 feet for the Hotel. Located on the West side of Westview Drive/ Executive Way in the Frederick Planning Region. Zoned: MXD. Tax Map 86/Parcel 3. File # SP 98-36 A/P #' 6825 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

The Applicant proposes to develop a:

- 1) a four-story Hotel with 114 rooms (90,000 sq.ft.);
- 2) two free-standing one-story Restaurants (6,500 sq.ft. each);
- 3) a three-story Office Building (60,000 sq. ft.); and
- 4) a one-story Retail Building (14,600 sq.ft.).

The Applicant is requesting:

- ☐ Site Plan approval (AP #6825)
- ☐ Loading Space Modifications (AP #6827)
- ☐ Design Height approval for approximately 65'

The Staff finds that:

- 1) The parking field for the overall development is relatively well distributed, but that there is a slight excess of 3%. This excess could be removed to create more green spaces in this large parking lot.
- 2) The Site Plan approval can only be given for a two-year period from the date of FcPc approval.
- 3) The lack of end-users for the sites will require final site plan applications to be submitted for each lot.
- 4) The following design changes (most of them minor) are needed to create the pedestrian-friendly environment cited as a goal in the Zoning Ordinance:
 - a. Schematic building elevations are submitted that show architecture scaled-down to foster "pedestrian-friendly" environments.
 - b. Architecture that makes significant use of masonry material, rather than façade treatments that makes use of a ubiquitous, bland material.
 - c. Lighting standards that reflect a pedestrian-friendly environment.
 - d. Providing "Terrace" area seating in the hotel area.
 - e. Dressing up the fragmented green-space areas with low-growing evergreen shrubs and perennial beds.

Recommendation:

Should the Planning Commission conditionally approve this Site Plan SP 98-36 (AP# 6825 for the proposed four-story Hotel with 114 Rooms (90,000 sq.ft.); two one-story Restaurants 6,500 sq.ft. each; a three-story Office building (60,000 sq. ft.) and a one-story Retail building (14,600 sq.ft.), the motion for approval should include the following items:

- ❑ Loading Space Modification
- ❑ Design Height approval for a 65' Hotel

And, the Staff would recommend that the following items be added as conditions of approval:

- 1) Add a note to site plan that subjects all lots to submission of final site plan applications to be evaluated at the Staff level. If resolutions regarding “pedestrian-friendly” architecture cannot be resolved, then the final site plans shall be reviewed and approved by the Planning Commission.
- 2) The Applicant shall make the design changes as listed in Findings #4 that would support a more pedestrian-friendly environment:
 - a) Schematic building elevations are submitted that show architecture scaled-down to foster “pedestrian-friendly” environments.
 - b) Architecture that makes significant use of masonry material, rather than façade treatments that makes use of a ubiquitous, bland material.
 - c) Lighting standards that reflect a pedestrian-friendly environment.
 - d) Providing “Terrace” area seating in the hotel area.
 - e) Dressing up the fragmented green-space areas with low-growing evergreen shrubs and perennial beds.
- 3) Amend parking design by removing certain spaces as per Staff direction.
- 4) Comply with Agency comments as this project moves through the development process, including but not limited to signage, lighting and shared parking/access easements, **and handicap parking. (This was added at today’s meeting)**

Applicant Presentation:

Mr. Bob Dalrymple, Esquire, representing the applicant presented the proposal. Mr. Mark Friis of Rodger’s Consulting spoke of the traffic patterns for this project.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for approval in accordance with the Staff's Findings, Recommendations and Conditions with one modification to Condition number four; deleting the first "and" after "lighting" put a comma in and insert a comma after "easements", and add handicap parking. Also to include the nighttime timed lighting proffer from the Applicant. 2nd by Ms. McIntyre.

Yea 6 Nay 0 (Crum Absent)

6. SITE PLANS

- A. Westview South, B. F. Saul Company, Lot 101 – Continued from February 2008 Meeting. Requesting approval for 135 room Hotel on 2.7 acres. Requesting a height modification of 75 feet for the Hotel. Located northwest quadrant of Westview Drive/ Executive Way in the Frederick Planning Region. Zoned: MXD. Tax Map 86/Parcels 42 and 51. File # SP 98-36 A/P #' 6820 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

The Applicant proposes to develop a six-story hotel (88,500 sq.ft.). The Applicant is requesting:

- ☐ Site Plan approval (AP #6820)
- ☐ Loading Space Modifications (AP #6822)
- ☐ Design Height approval for approximately 75'

The Staff finds that:

- 1) Site Plan approval can only be given for a two-year period from the date of approval.
- 2) The following design changes (most of them minor) are needed to create the pedestrian-friendly environment cited as a goal in the Zoning Ordinance:
 - a. Schematic building elevations are submitted that show architecture scaled-down to foster "pedestrian-friendly" environments.
 - b. Architecture that makes significant use of masonry material, rather than façade treatments that makes use of a ubiquitous, bland material.
 - c. Lighting standards that reflect a pedestrian-friendly environment.
 - d. Redrafting of setbacks to show average 75' setbacks (except at bridge on Executive Way).

- e. Signage setbacks that are more than the minimum. (See next section.)
 - f. Provide 5' sidewalks as a minimum standard throughout the site.
 - g. Provide seating function in the "Terrace" area for the hotel guests.
 - h. Provide punch-through on sidewalk on the north side of the building.
 - i. Provide tighter radii on curb at the undifferentiated parking lot pavement on the north side.
 - j. Dress up the fragmented green-space areas with low growing evergreen shrubs and perennial beds.
- 3) The Applicant has demonstrated reasonable justifications for modified loading space requirements for the hotel, especially with regard to the fact that there will be no regular restaurant facility in the hotel.
 - 4) The application may meet the Zoning Ordinance and Subdivision requirements with certain minor conditions applied to the approval. The Staff finds, based upon the discussions in the report, that the application meets and/or will meet all applicable Zoning, subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated.

Recommendation

Should the Planning Commission conditionally approve this Site Plan SP 98-36 (AP# 6820) for the proposed 88,500 sq. ft hotel, the motion for approval should include the following items:

- ❑ Loading Space Modification
- ❑ Design Height approval for 75'

And, the Staff would recommend that the following items be added as conditions of approval:

- 1) The Applicant shall make the following design changes:
 - a. Schematic building elevations are submitted that show architecture scaled-down to foster "pedestrian-friendly" environments.
 - b. Architecture that makes significant use of masonry material, rather than façade treatments that makes use of a ubiquitous, bland material.
 - c. Lighting standards that reflect a pedestrian-friendly environment.
 - d. Redrafting of setbacks to show average 75' setbacks (except at bridge on Executive Way).
 - e. Signage setbacks that are more than the minimum.
 - f. Provide 5' sidewalks as a minimum standard throughout the site.
 - g. Provide seating function in the "Terrace" area for the hotel guests.
 - h. Provide punch-through on sidewalk on the north side of the building.
 - i. Provide tighter radii on curb at the undifferentiated parking lot pavement on the north side.
 - j. Dress up the fragmented green-space areas with low growing evergreen shrubs and perennial beds.
- 2) Comply with Agency comments as this project moves through the development

- process, including but not limited to signage and lighting.
- 3) The lack of end user for this site will require final site-plan application to be submitted for this lot. (**This was added at today's FcPc Meeting**)

Applicant Presentation:

Mr. Bob Dalrymple, Esquire and Mr. Mark Friis, Rodgers Consulting, representing the applicant presented the applicant's proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for approval in accordance with Staff's Findings, Recommendations, and Conditions with a third recommendation added that the lack of end user for this site will require final site-plan application to be submitted for this lot. 2nd by Ms. McIntyre.

Yea 6 Nay 0 (Crum Absent)

Break for lunch at 12:48 p.m.

Returned at 2:03 p.m.

- B. Northern Maryland Self-Storage - Continued from the December 2007 Meeting. Requesting approval for four self-storage buildings totaling 26,900 sq. ft. on 4.4 acres. Located in the Thurmont Planning Region. Zoned: General Industrial. Tax Map 8/Parcel 149. File # SP 04-06 A/P #' 6090 (Stephen O'Philips)

This item was taken off today's agenda.

- C. Greenbrier Memorial Gardens and Animal Incinerator- Requesting approval for a 3,867 square foot Memorial Garden and a 4,000 square foot incinerator building 22 feet in height, and a 114' x 245' outdoor dog run. The site is zoned Agricultural (AG) and is located within the Urbana Planning Region. Tax Map 96, Parcel 232. File # SP-02-22. Hansen # 5938 (Tolson DeSa)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

Based on the discussion in this report and with the conditions listed below, Staff find that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements. Staff has no objection to conditional approval of the site plan.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of two (2) years and the APFO is valid for a period of three (3) years from the date of Planning Commission's approval.

Recommendation

Should the Planning Commission conditionally approve this Site Plan SP 02-02 (AP# 5938 & 5939) for the proposed Memorial Gardens and Animal Incinerator, the motion for approval should include the following item:

- Approval of the 4,000 square foot Animal Incinerator as well as a 3,867 square foot Memorial Garden and APFO for three years.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Relocate the dog run area 150 feet from the property line, per Section 1-19-385.
3. The application is subject to the approved Finding & Decisions of the Board of Appeals case #B-08-01.

Applicant Presentation:

Mr. Andrew DiPasquale Esquire, representing the applicant presented the proposal. Dr. Andrew Nagolia addressed the perpetuity of the animals ashes in the Memorial Garden should the property be sold in the future as well as dog waste in the dog run area.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for approval in accordance with Staff's Finding, Recommendations, and three Conditions. 2nd by Ms. McIntyre.

Yea 5 Nay 1 (Brown Opposed) (Crum Absent)

- D. *The Country Inn at Seth's Folly*– Site Plan approval to establish a Country Inn use in the existing house and accessory structures, and approval for a 5,930 square foot addition to the existing house. Located northwest of the intersection of Fingerboard Road (MD RTE 80) and Whiskey Road. Zoned: Agricultural (AG), Urbana Planning Region. Tax Map 97/ Parcel 181. File #SP-07-27; Hansen # 6962 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with or mitigated. Staff has no objection to conditional approval of the site plan.

Recommendation

Should the FcPc approve the site plan (SP#07-27, AP6962) for the proposed Country Inn, the motion for approval should include:

- APFO approval for as long as the site plan remains valid (two (2) years from the date of FcPc approval) but in no event shall it be for more than three (3) years.

Staff recommends that the following items be added as conditions to the approval:

1. Applicant shall continue to address all agency comments through the completion of this project.
2. Comply with the August 23, 2007 BOA conditions.
3. The access easement across the Litteral property shall be recorded prior to site plan approval.
4. The sign easement must be recorded prior to site plan approval.
5. Prior to site plan approval, a Letter of Understanding between the Applicant and Frederick County must be executed to document the Applicant's required contribution to the existing and proposed road escrow accounts. The contribution to these road escrow accounts must be paid prior to applying for building permit(s).
6. A final forest conservation plan must be submitted and approved prior to site plan approval. All legal documents and financial guarantees must be finalized prior to building and/or grading permit application, whichever comes first.

Applicant Presentation:

Mr. Rand Weinberg, Esquire, representing the applicant presented the proposal. Ms. Dawn Furman Gordon spoke of the parking for the project.

Public Comment:

Ms. Lynn Schmidt previous owner of Seth's Folly spoke of the history of the farm.

Rebuttal:

N/A

Decision: Ms. McIntyre made a motion to grant conditional approval in accordance with Staff's Findings, Recommendations, and Conditions deleting SHA comments from Condition One, and for Applicant and Staff to be creative with the use of parking surfaces. 2nd by Mr. White.

Yea 6 Nay 0 (Crum Absent)

- E. Stanford Industrial Park, Section 2, Lots 25 and 26– Site Plan approval for a 104,500 square foot office/warehouse building. Located on the east side of Winchester Blvd, north of Cornell Place. Zoned: Limited Industrial (LI), Adamstown Planning Region. Tax Map 94/ Parcel 89. File #SP-00-12; Hansen # 7199 (Michael Wilkins)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with or mitigated and if the FcPc approves the loading space modification. Staff has no objection to conditional approval of the site plan.

Recommendation

Should the FcPc approve the site plan (SP#00-12, AP 7199) for the proposed office and warehouse facility, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall continue to address all agency comments through the completion of this project.
2. The Applicant shall add signage details for the tenant signage to the site plan (including the type, amount, and location) and amend note 10 on the site plan to document the square footage of the freestanding sign and the remaining tenant signage.
3. Prior to site plan approval, the Forest Conservation Plan must be approved. Prior to applying for grading and/or building permits, all FRO mitigation must be provided and approved.

4. The Applicant shall make a contribution of \$78,375.00 to the roads escrow account established for the intersection of US 15 and Mountville Road prior to applying for building permits.
5. The Applicant shall demonstrate compliance with State and Federal ADA requirements. **(Amended at today's meeting to read, "the applicant shall work with Staff to demonstrate compliance with State and Federal ADA requirements".)**

Applicant Presentation:

Mr. Grant Hubbard, Harris, Smariga & Associates, representing the applicant presented the proposal. He expressed concerns with Condition five.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. McIntyre made a motion to grant conditional approval with Staff's Findings, Recommendations, and Conditions with the revision to Condition five to read the Applicant shall work with Staff for compliance with State and Federal ADA requirements. 2nd by Mr. White.

Yea 6 Nay 1 (Crum Absent)

7. CONCEPT PLANS

- A. Village Commons - North - Requesting approval for three commercial units and 5 live/work units. Located North side Urbana Pike roughly opposite Urbana Elementary School. Zoned: VC on 1.1 acres. Tax Map 96/Parcels 116, 117 and 118. File # M-2873. A/P # 5080 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Mr. Chomel spoke about the Village Center Zoning District Overlay Standards §1-19-313 as it relates to the project. Ms. Shawna Lemonds also spoke of this section of the Code as well.

Findings

The Applicant proposes to develop a site with:

- 1) Three commercial units
- 2) Five Live/Work units.

The Applicant is requesting:

- ❑ Concept Plan approval (AP #5080)
- ❑ Design Height approval for four Live/Work units to be three-stories up to 40'.

The Staff finds that:

- 1) The Applicant's Design meets the design standards of § 1-19-313 VILLAGE CENTER ZONING DISTRICT OVERLAY STANDARDS.
- 2) The Applicant has met the submission criteria of § 1-19-414 CONCEPT PLAN.

Recommendation

The Staff recommends approval of the Concept Plan request.

Applicant Presentation:

Mr. Rand Weinberg, Esquire, and Mr. Lee Miller, Daft McCune Walker, Inc., representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Motion: Ms. McIntyre made a motion for approval in accordance with Staff's Findings and Recommendations. 2nd by Mr. Hagen

**Yea 3 Nay 3 (White, Forrence, and Brown
Opposed) (Crum Absent)**

Motion Fails

Decision: Mr. White made a motion to continue Village Commons North and Village Commons South for up to sixty- (60) days. 2nd by Ms. Forrence.

Yea 6 Nay 0 (Crum Absent)

- B. Village Commons - South - Requesting approval for one single-family, two live/work and seven commercial/office units. Located Southside Urbana Pike adjacent Urbana Elementary School. Zoned: VC on 1.9 acres. Tax Map 96/Parcels 96, 97 and 98. File # M-2873. A/P # 7152 (Stephen O'Philips)

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

The Applicant proposes to develop a site with:

- 1) Four residential units (two Live/Work and two single-family residential.)
- 2) Seven Commercial/Office units.

The Applicant is requesting:

- ☐ Concept Plan approval (AP #7152)
- ☐ Design Height approval for five commercial/office units to be three-stories up to 40'.

The Staff finds that:

- 1) The Applicant's Design meets the design standards of § 1-19-313 VILLAGE CENTER ZONING DISTRICT OVERLAY STANDARDS.
- 2) The Applicant has met the submission criteria of § 1-19-414 CONCEPT PLAN.

Recommendation

Should the Planning Commission approve this Concept Plan, the Staff recommends that the following condition be added to the approval:

- 1) Unit #6 shall be reduced in height to a typical two-story roofline with the loft creating the additional ½ story.

Applicant Presentation:

Mr. Rand Weinberg, Esquire, and Mr. Lee Miller, Daft McCune Walker, Inc., representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision is noted on page 15 under Village Commons - North

8. MISCELLANEOUS REQUEST

- A. Harshman Property - Requesting approval to build on a proposed addition parcel. South side of Roy Shafer Road, at the intersection with Bennies Hill Road. Zoned: Agriculture (A), Brunswick Planning Region. Tax Map 75/Parcel 17. File M-1940B; Hansen # 7225 (Kristina Reichenbach)

Mr. Brown Recused himself.

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

This proposal does not meet the maximum acreage requirements set forth in section 1-16-7(B)(5)(a)3 and section 1-16-7(B)(5)(b) of the Subdivision Regulations. However, all other requirements are met. The FcPc has the authority to grant modifications to this requirement. Staff does not object to the Applicant's request for a modification to allow the building of a principal dwelling on the addition parcel.

Recommendation

Should the FcPc approve this Application (M1940B AP7225) the motion for approval should include the following item:

- 1) Approval to construct a dwelling on an addition parcel on agriculturally zoned land.

Applicant Presentation:

Mr. Andrew Brown, J.F. Brown & Associates, representing the applicant presented the applicant's proposal. Mr. Harshman, the applicant, spoke of the project.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for approval in accordance with Staff's Findings and Recommendations. 2nd by Ms. Forrence.

Yea 5 Nay 0 (Brown Recused) (Crum Absent)

Meeting adjourned at 5: 27 p.m.

Respectfully Submitted,

Joe Brown III, Chairman